

AMENDED IN SENATE JULY 1, 2014
AMENDED IN SENATE JUNE 10, 2014
AMENDED IN ASSEMBLY MAY 24, 2013

CALIFORNIA LEGISLATURE—2013–14 REGULAR SESSION

ASSEMBLY BILL

No. 1310

**Introduced by Assembly Member Bonta
(Principal coauthor: Assembly Member Brown)**

February 22, 2013

An act to amend ~~Section~~ *Sections 14122 and 14132.72* of the Welfare and Institutions Code, relating to Medi-Cal.

LEGISLATIVE COUNSEL'S DIGEST

AB 1310, as amended, Bonta. Medi-Cal: telehealth.

Existing law provides for the Medi-Cal program, which is administered by the State Department of Health Care Services, under which qualified low-income individuals receive health care services. The Medi-Cal program is, in part, governed and funded by federal Medicaid Program provisions. Existing law prohibits a requirement of in-person contact between a health care provider and patient under the Medi-Cal program for any service otherwise covered by the Medi-Cal program when the service is appropriately provided by telehealth, as defined. Existing law, for purposes of payment of covered treatment or services provided through telehealth, prohibits the department from limiting the type of setting where services are provided for the patient or by the health care provider.

This bill would prohibit the department from requiring a health care provider licensed in California to be located in California as a condition of Medi-Cal provider enrollment or reimbursement for telehealth

services provided to ~~Medicare or Medicaid~~ *Medi-Cal* beneficiaries located in California at the time of service.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 *SECTION 1. Section 14122 of the Welfare and Institutions*
2 *Code is amended to read:*

3 14122. (a) The department may provide, by regulation and
4 consistent with the requirements of the Federal Social Security
5 Act, for the care and treatment, or both, of persons eligible for
6 medical assistance pursuant to Sections 14005.1, ~~14005.4~~, 14005.4,
7 and 14005.7 by providers in another state in those cases where
8 out-of-state care or treatment is rendered on an emergency basis
9 or is otherwise in the best interests of the person under the
10 circumstances.

11 (b) *This section shall not apply to services provided pursuant*
12 *to Section 14132.72.*

13 ~~SECTION 1.~~

14 *SEC. 2. Section 14132.72 of the Welfare and Institutions Code*
15 *is amended to read:*

16 14132.72. (a) For purposes of this section, the definitions in
17 subdivision (a) of Section 2290.5 of the Business and Professions
18 Code shall apply.

19 (b) It is the intent of the Legislature to recognize the practice
20 of telehealth as a legitimate means by which an individual may
21 receive health care services from a health care provider without
22 in-person contact with the provider.

23 (c) In-person contact between a health care provider and a
24 patient shall not be required under the Medi-Cal program for
25 services appropriately provided through telehealth, subject to
26 reimbursement policies adopted by the department to compensate
27 a licensed health care provider who provides health care services
28 through telehealth that are otherwise reimbursed pursuant to the
29 Medi-Cal program. Nothing in this section or the Telehealth
30 Advancement Act of 2011 (Chapter 547 of the Statutes of 2011)
31 shall be construed to conflict with or supersede the provisions of
32 ~~Section 14091.3 of this code~~ or any other existing state laws or

1 regulations related to reimbursement for services provided by a
2 noncontracted provider.

3 (d) The department shall not require a health care provider to
4 document a barrier to an in-person visit for Medi-Cal coverage of
5 services provided via telehealth.

6 (e) ~~Notwithstanding Section 14122 or any other law, the~~*The*
7 department shall not require a health care provider licensed in
8 California to be located in California as a condition of Medi-Cal
9 provider enrollment or reimbursement for telehealth services
10 provided to ~~Medicare or Medicaid~~ *Medi-Cal* beneficiaries located
11 in California at the time of service.

12 (f) For the purposes of payment for covered treatment or services
13 provided through telehealth, the department shall not limit the type
14 of setting where services are provided for the patient or by the
15 health care provider.

16 (g) Nothing in this section shall be interpreted to authorize the
17 department to require the use of telehealth when the health care
18 provider has determined that it is not appropriate.

19 (h) Notwithstanding Chapter 3.5 (commencing with Section
20 11340) of Part 1 of Division 3 of Title 2 of the Government Code,
21 the department may implement, interpret, and make specific this
22 section by means of all-county letters, provider bulletins, and
23 similar instructions.